

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

MARY PRIDE,

**Plaintiff,**

**V.**

**SANDERSON FARMS, INC.,  
SANDERSON FARMS, INC.  
(PROCESSING DIVISION), AND  
SANDERSON FARMS, INC.  
(PRODUCTION DIVISION),**

## Defendants.



**CIVIL CASE NO. 6:19-cv-00448**

**JURY**

## DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 28 U.S.C. § 1441, 28 U.S.C. § 1446, and Federal Rule of Civil Procedure 81, Defendants, Sanderson Farms, Inc., Sanderson Farms, Inc. (Processing Division), and Sanderson Farms, Inc. (Production Division) (collectively "Defendants"), hereby remove to this Court the state court action described in Paragraph 1 below. Pursuant to 28 U.S.C. § 1446(a), Defendants set forth the following "short and plain statement of the grounds for removal."

### A. THE REMOVED CASE

1. The removed case is a civil action filed with the 170<sup>th</sup> Judicial District Court of McLennan County, Texas, on or about June 13, 2019, styled *Mary Pride v. Sanderson Farms, Inc., Sanderson Farms, Inc. (Processing Division), and Sanderson Farms, Inc. (Production Division)*, Cause No. 2019-2063-4 ("the State Court Action").

The case arises from an alleged workplace incident involving Plaintiff, Mary Pride ("Plaintiff" or "Pride"), while Pride was employed by Sanderson Farms, Inc. (Processing Division).

**B. DOCUMENTS FROM THE REMOVED CASE**

2. Pursuant to 28 U.S.C. § 1446(a), Defendants attach the following documents to this Notice of Removal:

- (1) A copy of all process, pleadings, and orders served upon Defendants in the State Court Action.

These documents are attached to this Notice of Removal as *Exhibit A*.

3. Additionally, Defendants are simultaneously filing a separately signed Disclosure Statement that complies with FED. R. CIV. P. 7.1(a).

**C. REMOVAL IS TIMELY**

4. Pride filed the present civil lawsuit against Defendants in the 170<sup>th</sup> Judicial District Court of McLennan County, Texas, on June 13, 2019. Defendants were each served with Plaintiff's Original Petition ("the Original Petition") in the State Court Action on June 28, 2019.<sup>1</sup> In the Original Petition, Plaintiff asserts causes of action for negligence, gross negligence, and premises liability against Defendants.

**D. VENUE IS PROPER**

5. The United States District Court for the Western District of Texas is the proper venue for removal of the State Court Action pursuant to 28 U.S.C. § 1441(a)

---

<sup>1</sup> July 28, 2019 was the 30<sup>th</sup> day after Defendants were served with the Original Petition. Because July 28, 2019 fell on a Sunday, Defendants' deadline to file this Notice of Removal was extended to July 29, 2019. FED. R. CIV. P. 6(a)(1)(C).

because the 170<sup>th</sup> Judicial District Court of McLennan County, Texas, is located within the jurisdiction of the United States District Court for the Western District of Texas.

**E. DIVERSITY OF CITIZENSHIP EXISTS**

6. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446.

7. Pride is a citizen of Texas.

8. Sanderson Farms, Inc. is a foreign corporation formed under the laws of Mississippi. Sanderson Farms, Inc.'s primary place of business is Laurel, Mississippi. Pursuant to 28 U.S.C. § 1332(c)(1), Sanderson Farms, Inc. is a not a citizen of the State of Texas, and is not registered to do business in the State of Texas.

9. Sanderson Farms, Inc. (Production Division) is a foreign corporation formed under the laws of Mississippi. Sanderson Farms, Inc. (Production Division)'s primary place of business is Laurel, Mississippi. Pursuant to 28 U.S.C. § 1332(c)(1), Sanderson Farms, Inc. (Production Division) is a not a citizen of the State of Texas.

10. Sanderson Farms, Inc. (Processing Division) is a foreign corporation formed under the laws of Mississippi. Sanderson Farms, Inc. (Processing Division)'s primary place of business is Laurel, Mississippi. Pursuant to 28 U.S.C. § 1332(c)(1), Sanderson Farms, Inc. (Processing Division) is a not a citizen of the State of Texas.

11. Because Pride is a resident of the State of Texas, and Defendants are not residents of the State of Texas, complete diversity of citizenship exists pursuant

to 28 U.S.C. § 1332.

**F. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED**

12. In the Original Petition, Pride alleges that she is seeking "damages in excess of \$1,000,000."<sup>2</sup> As such, Pride seeks to recover damages in excess of \$75,000.

13. Based on the aforementioned facts, the current State Court Action may be removed to this Court by Defendants in accordance with the provisions of 28 U.S.C. § 1441(a) because: (i) this action is a civil action pending within the jurisdiction of the United States District Court for the Western District of Texas; (ii) this action is between citizens of different states; and (iii) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

**G. FILING OF REMOVAL PAPERS**

14. Pursuant to 28 U.S.C. § 1446(d), Defendants are providing written notice of the filing of this Notice of Removal to all counsel of record and are filing a copy of this Notice with the Clerk of the 170<sup>th</sup> Judicial District Court of McLennan County, Texas, in which this action was originally commenced.

**H. CONCLUSION**

15. Defendants, Sanderson Farms, Inc., Sanderson Farms, Inc. (Processing Division), and Sanderson Farms, Inc. (Production Division), hereby remove the above-captioned action from the 170<sup>th</sup> Judicial District of McLennan County Texas, and request that further proceedings be conducted in the United States District Court for the Western District of Texas, Waco Division, as provided by law.

---

<sup>2</sup> See, "Plaintiff's Original Petition" at Section IX, ¶ 22, a true and correct copy of which is produced herein.

Respectfully submitted,

**MAYER LLP**

750 N. St. Paul Street, Suite 700  
Dallas, Texas 75201  
Telephone: 214.379.6900  
Facsimile: 214.379.6939

By: /s/ Zach T. Mayer  
Zach T. Mayer  
State Bar No. 24013118  
[Email: zmayer@mayerllp.com](mailto:zmayer@mayerllp.com)  
J. Edward Johnson  
State Bar No. 24070001  
Email: [ejohnson@mayerllp.com](mailto:ejohnson@mayerllp.com)

**ATTORNEYS FOR DEFENDANTS  
SANDERSON FARMS, INC.,  
SANDERSON FARMS, INC.  
(PROCESSING DIVISION), and  
SANDERSON FARMS, INC.  
(PRODUCTION DIVISION)**

**CERTIFICATE OF SERVICE**

This is to certify that on the 29<sup>th</sup> day of July 2019, a true and correct copy of the foregoing has been forwarded to all counsel of record, as follows:

**Via ECF:**

[e-service@arnolditkin.com](mailto:e-service@arnolditkin.com);  
[karnold@arnolditkin.com](mailto:karnold@arnolditkin.com);  
[cboatright@arnolditkin.com](mailto:cboatright@arnolditkin.com);  
[rchristensen@arnolditkin.com](mailto:rchristensen@arnolditkin.com);  
[abaimbridge@arnolditkin.com](mailto:abaimbridge@arnolditkin.com)

Kurt Arnold  
Caj Boatright  
Roland Christensen  
Alison Baimbridge  
ARNOLD & ITKIN LLP  
6009 Memorial Drive  
Houston, TX 77007

/s/ Zach T. Mayer  
Zach T. Mayer